

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 6th day of June, 2011 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor  
Vickie Abrego Mayor Pro Tempore  
Jay Attaway Council Member  
Ross McElwee Council Member  
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Allen Lawrence City Attorney  
Reggie Winters City Manager

ADMINISTRATIVE  
PERSONNEL ABSENT: Yvonne Stonebraker City Secretary

STAFF PRESENT: Rickie Kilgore Fire Chief

OTHERS PRESENT: Mark McLiney/Southwest Securities, Jim & Alpha Covington, Karen Gayle/APMDD, Annette Schonhoeft/Civic Center, Lupe Torres, Morgan Hill, Don & Jeanie Brummett, George Binder/APCC&PD, Nan Herndon, Cameron Herndon, Venus Mills, Donna Lewis, Rachel Adame, Faith Chandler, Dennis & Beatrice Limon, Taylor Mills, Hope Comingore/APMDD, Douglas Carr/APCC&PD, Carol Attaway, Jean Hunter, Gary McRae and Scott Andrews/G&S Marine, David Underbrink/Naismith Engineering, Rosemary Vega/APCofC, Collette Walls, Stephen Walls/APMDD, Brenda McElwee, Jennifer Thomas and Patsy Lawrence.

*There may have been others present who did not sign in.*

1. **CALL MEETING TO ORDER.**  
  
Mayor Knight called the meeting to order at 7:00 P.M. on June 6, 2011.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**  
  
Mayor Pro Tem Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.
3. **CONSIDER AND ACT ON MINUTES OF MAY 16 AND MAY 23, 2011.**  
  
Council Member Hyatt made a motion to approve the minutes of May 16 and May 23, 2011. Council Member Attaway seconded the motion and the motion carried unanimously.
4. **CONSIDER AND ACT ON RESOLUTION 2011-654 – ORDER DECLARING RESULTS OF CITY OFFICER’S ELECTION.**  
  
Council Member Attaway made a motion to approve Resolution 2011-654 – Order declaring results of City Officer’s Election. Council Member Hyatt seconded the motion and the motion carried unanimously.
5. **CONSIDER AND ACT ON PRESENTATION OF RESOLUTION 2011-655 FOR APPRECIATION OF OUTGOING COUNCIL MEMBER JAY ATTAWAY.**

Council Member McElwee made a motion to approve Resolution 2011-655 for appreciation of outgoing Council Member Jay Attaway. Council Member Hyatt seconded the motion and the motion carried unanimously.

6. **OATH OF OFFICE AND SWEARING IN ELECTED OFFICIALS - MAYOR- TOMMY KNIGHT, COUNCIL MEMBER PLACE 1 – JAMES A. MILLS AND COUNCIL MEMBER PLACE 3 – PHILLIP HYATT BY CITY ATTORNEY ALLEN LAWRENCE.**

City Attorney Allen Lawrence gave the Oath of Office and swore in Mayor Tommy Knight, Council Member Place 1 - James A. Mills and Council Member Place 3 - Phillip Hyatt.

7. **CONSIDER AND ACT ON PRESENTATION OF CERTIFICATE OF ELECTION OF ELECTED OFFICIALS, JIM MILLS AND PHILLIP HYATT BY MAYOR KNIGHT AND SEATING IN THEIR PLACES.**

Mayor Knight presented Certificates of Elections to Jim Mills and Phillip Hyatt and Seated them in their places.

8. **CONSIDER AND ACT ON APPOINTING MAYOR PRO TEM FOR ENSUING YEAR.**

Council Member Mills made a motion to appoint Council Member Hyatt as Mayor Pro Tem for the ensuing year. Council Member McElwee seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON ORDINANCE NO 2011-3997 – AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING THE ISSUANCE OF “CITY OF ARANSAS PASS, TEXAS TAX NOTES, SERIES 2011”, LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE OBLIGATIONS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE OBLIGATIONS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. McLiney, Southwest Securities, stated Southwest Securities had requested bids for \$500,000 for the City of Aransas Pass' bulkhead maintenance on Conn Brown Harbor. He stated Branch Bank and Trust had the lowest Interest Rate of \$2.78%. He stated the City's finances were very strong. Mr. McLiney stated he recommended the City choose the low bid from Branch Bank and Trust.

Council Member McElwee made a motion to approve Ordinance No. 2011-3997 – an Ordinance by the City Council of the City of Aransas Pass, Texas authorizing the issuance of “City of Aransas Pass, Texas Tax Notes, Series 2011”, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; complying with the requirements of the letter of representations previously executed with the depository trust company; and providing an effective date. Council Member Abrego seconded the motion and the motion carried unanimously.

9. **PUBLIC HEARING REGARDING THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICTS 2011-2012 FISCAL YEAR BUDGET.**

City Attorney Allen Lawrence opened the Public Hearing at 7:16 PM. He asked if there was anyone present from the Aransas Pass Crime Control and Prevention District (APCC&PD) to present the 2011-2012 fiscal year budget.

APCC&PD Vice-President Douglas Carr stated the APCC&PD budget had already been presented to the City Council.

City Attorney Lawrence stated the City Council was having a public hearing on the budget and thought the APCC&PD would like to give a presentation.

City Attorney Lawrence asked the Council if they had any questions.

Council Member Mills asked City Attorney Lawrence if changes could be made to the APCC&PD budget during the City Council meeting.

City Attorney Lawrence stated no. He stated the budget had to be accepted as written. He stated if the Council does not accept the budget, the Council would have to have a joint meeting with the APCC&PD and try to resolve any questions the Council has.

APCC&PD Vice-President Carr asked City Attorney Lawrence that if the Council rejected the budget, would the Council have to give a reason why the budget was being rejected?

City Attorney Lawrence stated yes.

Council Member Abrego stated the budget showed the APCC&PD projected ending fund balance would be \$402,000.

APCC&PD Vice-President Carr stated you can project all day long but the APCC&PD had other obligations that are in the fire, so to speak. He stated the APCC&PD had received some resignations and the board had not met since the resignations had been received. He stated there had been some obstacles come to surface and there were reasonings why the budget was submitted the way it was and the APCC&PD turned down the \$400,000.

APCC&PD Vice-President Carr stepped away from the microphone to hand out papers and talk to the City Council.

Council Member McElwee stated he would like the Council to pass the budget as presented.

City Attorney Lawrence closed the Public Hearing at 7:35 pm.

10. **CONSIDER AND ACT ON THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICTS 2011-2012 FISCAL YEAR BUDGET.**

Council Member Mills stated the APCC&PD would have a projected excess of \$402,000. He stated there would be projects presented to the Board through out the year which would call for a budget amendment.

Council Member Mills made a motion to deny the Aransas Pass Crime Control and Prevention Districts 2011-2012 fiscal year budget and to have a joint meeting with the Aransas Pass Crime Control and Prevention District at the next City Council Meeting on Monday, June 20, 2011. Mayor Pro Tem Hyatt seconded the motion and the motion carried with Council Member McElwee voting no.

11. **CONSIDER AND ACT ON TERMINATING THE MANAGEMENT AGREEMENT FOR THE CIVIC CENTER BETWEEN THE CITY OF ARANSAS PASS AND VENUWORKS.**

Council Member McElwee stated there were unsustainable funding issues in the audit presentation concerning the Civic Center that might lead to raising the City's ad valorem tax rate. He stated he would like to have a joint meeting between the City Council and the Aransas Pass Municipal Development District (APMDD) in lieu of moving forward on agenda item number 11.

Council Member Abrego made a motion to approve a joint meeting between the City Council and the APMDD on Monday, June 13, 2011 at 7:00pm located at the Civic Center.

Council Member McElwee stated he would like to have the joint meeting at City Hall.

Council Member Mills agreed with Council Member McElwee on having the joint meeting at City Hall.

Council Member Abrego stated she would like to have the joint meeting at the Civic Center because of the resources the Civic Center offers for a presentation.

APMDD President Hope Comingore stated she would like to call this meeting a workshop (no action items) and not a joint meeting (allowing action items) so there would be no pressure on the APMDD. She asked the Council if there was a reason why there had to be a "consider and act" item on this issue (terminating the VenuWorks Agreement), at this moment.

Council Member McElwee stated it would take 6 months to terminate the VenuWorks Agreement. He stated the City's 2011-2012 budget process would begin in July of 2011 and he

felt the APMDD would not be able to make their August 2012 bond payment of \$280,000. He stated if the APMDD could not afford their August 2012 bond payment, then the City of Aransas Pass would have to make the bond payment which would consist of a 12% ad valorem tax increase.

Council Member Abrego made a motion to have a joint workshop between the City Council and the APMDD on Monday, June 13, 2011 at 7:00pm located at the Civic Center. Council Member Abrego's motion died for the lack of a second.

Council Member McElwee made a motion to have a special meeting between the City Council and the APMDD on Monday June 13, 2011 at 7:00pm located at City Hall. Council Member Mills seconded the motion and the motion carried with Council Member Abrego voting no.

12. **CONSIDER AND ACT ON ORDINANCE NO. 2011-3996 – AN ORDINANCE AMENDING SECTION 30-26 (a) OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS CONCERNING FARE RATES FOR VEHICLES FOR HIRE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Mills made a motion to approve Ordinance No. 2011-3996 – an Ordinance amending Section 30-26 (a) of the Code of Ordinances of the City of Aransas Pass concerning fare rates for vehicles for hire; providing a repealer clause; and, providing for an effective. Council Member McElwee seconded the motion and the motion carried unanimously.

14. **CONSIDER AND ACT ON RE-SCHEDULING THE MONDAY, JULY 4<sup>TH</sup>, 2011 COUNCIL MEETING TO TUESDAY, JULY 5<sup>TH</sup>, 2011, DUE TO A CITY HOLIDAY.**

Council Member Abrego stated she could not attend the meeting on Tuesday and would like to schedule the meeting for Wednesday.

Mayor Pro Tem Hyatt made a motion to re-scheduled the Monday, July 4<sup>th</sup>, 2011 council meeting to Wednesday, July 6<sup>th</sup>, 2011 due to a City holiday. Council Member Mills seconded the motion and the motion carried unanimously.

15. **PROCLAMATION FOR THE VIETNAM WAR MONUMENT.**

Mayor Knight read the proclamation for the Vietnam War Monument.

16. **CONSIDER AND ACT ON APPOINTING A MEMBER TO THE SAN PATRICIO ECONOMIC DEVELOPMENT CORPORATION.**

Council Member Mills made a motion to appoint City Manager Reggie Winters to the San Patricio Economic Development Corporation. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

17. **CITIZENS COMMENTS.**

Ms. Alpha Covington voiced her concerns on terminating the Management Agreement for the Civic Center between the City of Aransas Pass and VenuWorks.

APMDD President Hope Comingore voiced her concerns on the amount of time the APMDD has before the scheduled special meeting and calling the meeting between the City Council and the APMDD a special meeting instead of a workshop.

Rosemary Vega, Chamber of Commerce, wanted to remind everybody of the 63<sup>rd</sup> Annual Shrimproee and to thank the city employees for a great job of setting up the Shrimporee grounds.

Collette Walls wanted to thank the City Council for appointing City Manager Winters to the Economic Development Corporation board.

Jennifer Thomas voiced her concerns on litter not being picked up properly in the parking lot around the aquatic center. She stated the trash was ending up in the bay.

18. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the regular meeting at 8:00 P.M.

**A.SECTION 551.072- DELIBERATIONS REGARDING REAL PROPERTY-CONN BROWN HARBOR LEASES.**

**19. RECONVENE IN REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight reconvened the regular meeting at 9:00 P.M.

**A.SECTION 551.072- DELIBERATIONS REGARDING REAL PROPERTY-CONN BROWN HARBOR LEASES.**

No action taken.

**20. ADJOURNMENT OF MEETING.**

Council Member McElwee made a motion to adjourn the meeting. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 9:00 P.M.

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Tommy Knight, Mayor

ATTEST:

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Yvonne Stonebraker, City Secretary